

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

HERBERT J. MASON,

Plaintiff,

vs.

PROFESSIONAL
TRANSPORTATION, INC., an
Indiana Corporation,

Defendant.

CV 19-162-M-KLD

ORDER AMENDING FINAL
PRETRIAL ORDER

Pursuant to discussions at the May 3, 2021 pretrial conference, Plaintiff Herbert Mason has filed an Amendment to Plaintiff's Damage Analysis: Pretrial Order Paragraph VIII updating and amending his economic damage analysis. (Doc. 95). Accordingly, and as discussed with the parties at the pretrial conference on May 3, 2021,

IT IS ORDERED that Paragraph VIII of the Final Pretrial Order entered on October 29, 2020 (Doc. 75) is amended to read as follows:

VIII. Legal Issues

A. Trial Issues:

1. The legal elements of Plaintiff's claims and the defenses against Plaintiff's claims.

2. The measure of Plaintiff's economic damages as prescribed by the Montana Wrongful Discharge from Employment Act.

Plaintiff's damages are calculated as follows:

2017: $\$74,143 - \$28,930 = \$45,213$

2018: $\$74,143 - \$19,276 = \$54,867$

2019: $\$74,143 - \$18,727 = \$55,416^*$

2020: $\$74,143 - \$4,851 = \$69,292^*$

Jan. 1, 2021 – March 9, 2021: $\$0^*$

TOTAL LOST EARNINGS: $\$224,788$

Plaintiff is entitled to interest on his lost earnings.

* Plaintiff received Social Security Retirement benefits in 2019-2021, as well as a period of UI benefits and Covid relief funds, which are not included.

3. Defendant disputes Plaintiff's damages.

4. Defendant has filed several motions in limine.

All other provisions of the Final Pretrial Order entered on October 29, 2020
(Doc. 75) shall remain the same.

DATED this 7th day of May, 2021.



Kathleen L. DeSoto
United States Magistrate Judge